



|                                     |   |                                 |
|-------------------------------------|---|---------------------------------|
|                                     | : | <b>STATE OF NEW JERSEY</b>      |
|                                     | : |                                 |
|                                     | : |                                 |
|                                     | : | <b>FINAL ADMINISTRATIVE</b>     |
|                                     | : | <b>ACTION</b>                   |
|                                     | : | <b>OF THE</b>                   |
|                                     | : | <b>CIVIL SERVICE COMMISSION</b> |
|                                     | : |                                 |
|                                     | : |                                 |
| In the Matter of Michele L. Sbarro, | : |                                 |
| Senior Management Assistant         | : |                                 |
| (PS8607G), Department of            | : |                                 |
| Environmental Protection            | : |                                 |
|                                     | : |                                 |
|                                     | : |                                 |
| CSC Docket No. 2019-3443            | : |                                 |
|                                     | : | Examination Appeal              |

**ISSUED:** March 16, 2020 (BS)

Michele L. Sbarro appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the promotional examination for Senior Management Assistant (PS8607G), Department of Environmental Protection.

The promotional examination at issue was announced with experience requirements which had to be met as of the announced closing date of November 21, 2018. Specifically, all applicants had to possess a Bachelor's degree from an accredited college or university plus two years of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. Applicants who did not possess the required education could substitute additional experience as indicated above on a year-for-year basis with 30 semester credit hours being equal to one year of experience. Agency records indicate that the subject promotional examination was cancelled on June 7, 2019 due to a lack of qualified applicants.

The appellant filed an application on which she indicated that she possessed 33 college credits which prorated to one year and one month of experience per the substitution clause for education. This meant that she would need a total of five years and 11 months of experience to satisfy the subject requirements. As of the November 21, 2018 closing date, the appellant only possessed four years and three months of applicable experience as a provisional Senior Management Assistant and

Administrative Assistant 3. None of the remaining positions described by the appellant involved responsibilities which rose to the level and scope of those required of the subject position. None of the appellant's remaining positions involved responsibilities in the required areas. As a result, Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. The appellant argues that she also performed appropriate duties while serving as an Assistant Manager of a Beauty Salon.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the examination announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax a rule for good cause, in a particular circumstance, in order to effectuate the purposes of Title 11A of the New Jersey Statutes Annotated. *N.J.A.C.* 4A:4-6.3(b) provides that, except for medical or psychological disqualification appeals, the appellant shall have the burden of proof.

As of the closing date, the appellant possessed 33 completed college credit plus four years and three months of applicable experience as a provisional Senior Management Assistant and Administrative Assistant 3 for a total of five years and four months of experience per the substitution clause for education. On appeal, the appellant asserts that she possessed additional relevant experience as a Salon Assistant Manager. However, Agency Services concluded that this experience did not rise to the level and scope required of the subject position.

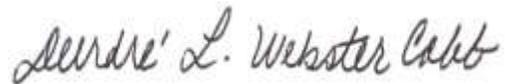
Although the appellant lacked the requisite amount of experience as of the closing date, the Commission notes that she continues to successfully serve as a provisional Senior Management Assistant, she now has in excess of the eight months of experience she lacked, and this is not a competitive situation (*i.e.*, the promotional examination was cancelled due to a lack of qualified applicants). Under these circumstances, the Civil Service Commission can accept the appellant's additional experience as a provisional Senior Management Assistant gained after the closing date which will allow her the opportunity to be tested and be considered for a permanent appointment to the subject title.

### ORDER

Therefore, it is ordered that this appeal be granted, the promotional examination announcement cancellation be rescinded, and the appellant's application be processed as soon as possible.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 12TH DAY OF MARCH, 2020



---

Deirdre L. Webster Cobb, Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence:

Christopher S. Myers  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
PO Box 312  
Trenton, New Jersey 08625-0312

c: Michele L. Sbarro  
Phiroza Stoneback  
Kelly Glenn